

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS**

TERRI MORSE BACHOW, Individually on  
Behalf of Herself and on Behalf of All Others  
Similarly Situated,

Plaintiff

v.

C.A. No. 09-cv-262-K

SWANK ENERGY INCOME ADVISERS, LP,  
SWANK CAPITAL, LLC, JERRY V. SWANK,  
MARK W. FORDYCE, CPA, BRIAN R. BRUCE,  
RONALD P. TROUT, and EDWARD N.  
McMILLAN,

Defendants.

**DECLARATION OF MARK C. RIFKIN IN SUPPORT OF  
PLAINTIFF'S MOTION FOR CLASS CERTIFICATION**

Mark C. Rifkin, deposes and hereby declares as follows:

1. I am a partner with the law firm of Wolf Haldenstein Adler Freeman and Herz LLP, and am admitted to practice law before the Courts of New York, New Jersey, and Pennsylvania and many federal courts. I am one of the Co-Lead Counsel for the Plaintiff and the proposed Class and submit this declaration in support of Plaintiff's Motion for Class Certification.

2. Attached hereto as Exhibit A is a true and correct copy of Plaintiff's Certification dated January 14, 2009.

3. Attached hereto as Exhibit B is a true and correct copy Wolf Haldenstein Adler Freeman & Herz LLP's firm resume.

4. Attached hereto as Exhibit C is a true and correct copy of Beckham & Mandel's firm resume.

5. Attached hereto as Exhibit D is a true and correct copy of Candace Preston's Report in Support of Class Certification.

Dated: New York, New York  
April 26, 2010

/s/ Mark C. Rifkin  
MARK C. RIFKIN

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on April 26, 2010, the foregoing motion was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system or by mail to anyone unable to accept electronic filing. Parties may access this filing through the Court's system.

/s/ Roger L. Mandel  
Roger L. Mandel